



July 2, 2010

Martin Bauer
Department of Environmental Quality
1410 N. Hilton
Boise Idaho 83706
martin.bauer@deq.idaho.gov

RE: Idaho Conservation League comments on the preliminary draft Docket No. 58-0101-1001-Crop Residue Burning

Dear Mr. Bauer,

I am writing on behalf of the Idaho Conservation League with regard to the preliminary draft rule on Crop Residue Burning. For thirty-five years, the Idaho Conservation League has been Idaho's voice for clean water, clean air, and wilderness—values that are the foundation to Idaho's extraordinary quality of life. As Idaho's largest state-based conservation organization we represent over 9,500 members – many of whom have serious concerns about air quality in Idaho.

We believe that in order for the preliminary draft rule to go forward the Department of Environmental Quality (DEQ) must demonstrate that the proposed changes are not in conflict with the Idaho's State Implementation Plan (SIP). In other words, the rule changes should not allow for burns that violate or are expected to violate air quality standards.

This draft rule would represent a revision to Idaho's SIP for the open burning of crop residue (crop residue burning) Smoke Management Plan (SMP) that resulted from an agreement between farmers and public health advocates. The SIP has allowed crop residue burning in Idaho by implementing a smoke management program focused on the protection of public health. Before this revision can be put into practice it must satisfy requirements under Section 110(l) of the Clean Air Act and be approved by the Environmental Protection Agency (EPA).

DEQ is prohibited from approving certain burns as stated on page 2 of the 2009 Open Burning of Crop Residue State Implementation Plan (SIP) Revision:

Of central importance to this SIP revision is the legal requirement that a farmer must obtain prior approval from DEQ to burn, and, further, DEQ is prohibited from approving a burn if it determines that ambient air quality levels: "[a]re exceeding, or are projected to exceed, seventy-five percent (75%) of the level of any national ambient air quality

standard [NAAQS] on any day, and these levels are projected to continue or recur over at least the next twenty-four (24) hours” or “have reached, or are forecasted to reach and persist at, eighty percent (80%) of the one-hour action criteria for particulate matter pursuant to Section 556 of IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho.” Idaho Code Section 39-114(3)(a) and (b).

Thank you for your consideration of our comments on this important matter. Please do not hesitate to contact me at 208-345-6933 ext 17 or at cwashburn@idahoconservation.org if you have any questions.

Sincerely,
s/ Courtney E. Washburn
Community Conservation Director